



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

1:06 P.M.

TUESDAY, January 25, 2011

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Fitzgerald in the chair.

Representative Suder asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Senior Pastor Bryan Engfer of Trinity English Lutheran Church in Fort Atkinson.

Representative Ringhand led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives August, Ballweg, Barca, Berceau, Bernard Schaber, Bernier, Bewley, Bies, Brooks, E. Coggs, D. Cullen, Danou, Endsley, Farrow, Fields, Grigsby, Hebl, Hintz, Honadel, Hulsey, Jacque, Jorgensen, Kapenga, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Mason, Meyer, Milroy, Molepske Jr, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Petryk, Pocan, Pope–Roberts, Pridemore, Radcliffe, Richards, Ringhand, Ripp, Rivard, Roys, Seidel, Severson, Shilling, Sinicki, Spanbauer, Staskunas, Steinbrink, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Toles, Tranel, Turner, Van Roy, Vos, Vruwink, Weininger, Williams, Wynn, Young, Zamarripa, Zepnick, Ziegelbauer and Speaker Fitzgerald – 95.

Absent with leave – Representative Clark – 1.

Vacancies – 60th, 83rd and 94th Assembly District – 3.

LEAVES OF ABSENCE

Representative Roys asked unanimous consent for a leave of absence for part of today's session for Representatives Grigsby, Mason, Milroy, Richards and Steinbrink. Granted.

LEAVES OF ABSENCE

Representative Roys asked unanimous consent for a leave of absence for today's session for Representative Clark. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 4** offered by Representative Kapenga.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 4

Relating to: commending Brent Nicastro on his years of service to the Wisconsin legislature.

By Representatives J. Fitzgerald and Barca; cosponsored by Senators S. Fitzgerald and Miller.

To committee on **Rules**.

Assembly Joint Resolution 5

Relating to: commending Reince Priebus on his election as chairman of the Republican National Committee.

By Representatives Vos, Kerkman, J. Fitzgerald, August, Ballweg, Bernier, Bies, Brooks, E. Coggs, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Williams, Weininger and Wynn; cosponsored by Senators Wirsch, Cowles, Darling, Ellis, Kapanke, Kedzie, Lasee, Lazich, Leibham, Olsen, Vukmir and Schultz.

To committee on **Rules**.

Assembly Bill 6

Relating to: restoring the treatment of the exclusion of capital gains for individuals and certain other persons that existed before the enactment of **2009 Wisconsin Act 28**, and phasing out the taxation of capital gains.

By Representatives Kuglitsch, Thiesfeldt, Ziegelbauer, Williams, Kaufert, Bies, Nygren, Mursau, Spanbauer, Brooks, Knodl, Ripp, Jacque, Rivard, Kapenga and Farrow; cosponsored by Senators Hopper, Darling, Leibham, Vukmir, Galloway, Zipperer, Wanggaard, Ellis, Moulton, Olsen, Lazich and Schultz.

To committee on **Jobs, Economy and Small Business**.

COMMUNICATIONS

January 24, 2011

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 5, relating to the dairy and livestock farm investment credits.

Sincerely,
JEREMY THIESFELDT
State Representative
52nd Assembly District

CALENDAR OF TUESDAY, JANUARY 25

Assembly Resolution 3

Relating to: honoring the victims of the Arizona shootings.

The question was: Shall **Assembly Resolution 3** be adopted?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 4** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 4

Relating to: commending Brent Nicastro on his years of service to the Wisconsin legislature.

The question was: Shall **Assembly Joint Resolution 4** be adopted?

Motion carried.

Representative Kleefisch asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 4**. Granted.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 4** be immediately messaged to the Senate. Granted.

Representative Ballweg asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

1:30 P.M.

RECESS

4:25 P.M.

The Assembly reconvened.

Speaker Pro Tempore Kramer in the chair.

Representative Suder asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative Grigsby asked unanimous consent that her leave of absence be lifted. Granted.

Representative Mason asked unanimous consent that his leave of absence be lifted. Granted.

Representative Milroy asked unanimous consent that his leave of absence be lifted. Granted.

Representative Richards asked unanimous consent that his leave of absence be lifted. Granted.

Representative Steinbrink asked unanimous consent that his leave of absence be lifted. Granted.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 5** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 5

Relating to: commending Reince Priebus on his election as chairman of the Republican National Committee.

Representative E. Coggs asked unanimous consent to be withdrawn as a coauthor of **Assembly Joint Resolution 5**. Granted.

The question was: Shall **Assembly Joint Resolution 5** be adopted?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 5** be immediately messaged to the Senate. Granted.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 5

ACTION ON THE SENATE MESSAGE

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 5** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Joint Resolution 5

Relating to: commemorating the first centennial of the joint committee on finance, and honoring members of the legislature who served on the committee.

By Senators Ellis, S. Fitzgerald, Miller, Darling and Taylor; cosponsored by Representatives J. Fitzgerald, Suder, Barca, Vos and Grigsby.

The question was: Shall **Senate Joint Resolution 5** be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 5** be immediately messaged to the Senate. Granted.

Speaker Pro Tempore Kramer asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

4:45 P.M.

RECESS

6:12 P.M.

The Assembly reconvened.

Speaker Pro Tempore Kramer in the chair.

LEAVES OF ABSENCE

Representative Ballweg asked unanimous consent for a leave of absence for part of today's session for Representative Brooks. Granted.

Senate Joint Resolution 2

Relating to: the joint rules.

Assembly amendment 1 to **Senate Joint Resolution 2** offered by Representative Pasch.

Representative Suder moved that Assembly amendment 1 to **Senate Joint Resolution 2** be laid on the table.

The question was: Shall Assembly amendment 1 to **Senate Joint Resolution 2** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 57.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Cogg, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pocan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 37.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

The question was: Shall **Senate Joint Resolution 2** be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Barca, Berceau, Bernard Schaber, Bernier, Bewley, Bies, D. Cullen, Danou, Endsley, Farrow, Grigsby, Hebl, Hintz, Honadel, Jacque, Jorgensen, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Molepske Jr, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Pasch, Petersen, Petrowski, Petryk, Pocan, Pope–Roberts, Pridemore, Radcliffe, Ringhand, Ripp, Rivard, Roys, Seidel, Severson, Shilling, Sinicki, Spanbauer, Staskunas, Steinbrink, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Vruwink, Weininger, Williams, Wynn, Young, Zepnick, Ziegelbauer and Speaker Fitzgerald – 83.

Noes – Representatives E. Cogg, Fields, Hulsey, Kessler, Mason, Milroy, Parisi, Richards, Toles, Turner and Zamarripa – 11.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 2** be immediately messaged to the Senate. Granted.

Senate Bill 1

Relating to: membership of the Joint Legislative Council.

The question was: Shall **Senate Bill 1** be ordered to a third reading?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 1** be given a third reading. Granted.

The question was: **Senate Bill 1** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 1** be immediately messaged to the Senate. Granted.

ANNOUNCEMENTS

Representative Jacque asked unanimous consent that the Assembly adjourn in memory of James McKenna Delaney from Madison, who passed away on January 20. Granted.

Representative Pope–Roberts asked unanimous consent that the Assembly adjourn in memory of Officer Tom Baitinger, who was killed in the line of duty in St. Petersburg, Florida. Granted.

Representative Sinicki asked unanimous consent that the Assembly adjourn in honor of the United States Supreme Court on the 38th Anniversary of Roe v. Wade. Granted.

Representative Strachota asked unanimous consent that the Assembly adjourn in honor of her granddaughter, Sophia Marie Benz, on the occasion of her first birthday on January 29. Granted.

Representative Ziegelbauer asked unanimous consent that the Assembly adjourn in honor of President Barack Obama, on the occasion of his visit to Manitowoc on January 26. Granted.

Representative Barca asked unanimous consent that the Assembly adjourn in honor of Gino DeBartolo, on his acceptance into West Point. Granted.

Representative Pasch asked unanimous consent that the Assembly adjourn in honor of the Green Bay Packers, who

will play the Pittsburgh Steelers in Super Bowl XLV on February 6. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Sonny Swangstu and Kendall McBroom who recently received the Stoughton Courier Hub's 2010 Citizen of the Year Award. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Michelle Duren who has returned to intern in his office over her winter break from college. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Jim Bohling, owner of Bohling and Sons Plumbing and Heating who is retiring after 65 years in business. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of the City of Sun Prairie for winning the 2010 Scenic Beauty Award for their downtown's Cannery Square. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Amy Vatne Bintliff, literary skills and educational reform teacher at Oregon Middle School, for authoring "Re-engaging Disconnected Youth". Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Gary and Sandy Einerson of Sun Prairie, on the occasion of their 50th wedding anniversary. Granted.

ADJOURNMENT

Representative Suder moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, January 27.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

6:24 P.M.